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Law of the Sea Country Study

Tunisia

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GCR LOS 75-2
January 1975

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] involved. Part II provides basic data and information bearing on law of the sea matters.

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This study was prepared by the Office of Geographic and Cartographic Research. [REDACTED] was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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UN LOS draft articles submitted by Tunisia
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TUNISIA

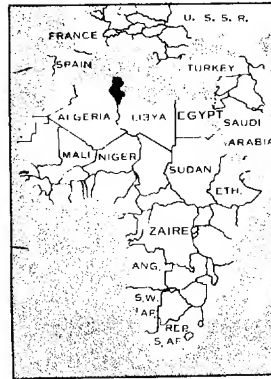
Part I -- Law of the Sea Analysis

A. SUMMARY

Tunisia's geographic location adjacent to busy shipping lanes on the heavily polluted Mediterranean and its aspirations to tap potential maritime resources help to explain the country's keen interest in the Law of the Sea (LOS) endeavor and its concern over the outcome.

Tunisia played an active role in the several preparatory sessions leading up to the 1974 Caracas session of the Third LOS Conference.

Despite Tunisia's strong feelings on some controversial LOS issues and its general adherence to the consensus of the Organization of African Unity -- of which it is a member -- it has maintained overall a flexible, open-minded approach. Tunisia exercises a moderating influence among the developing countries and seems anxious to help achieve compromise solutions acceptable to advanced nations as well. Tunisia is well-disposed toward the United States and is sympathetic to U.S. stands on various LOS issues.



Tunisia's proven petroleum resources are not overly impressive, but the government is encouraging more active exploration by foreign oil companies. In terms of near-range development, however, Tunisia is looking primarily at expanding its agricultural and fishing sectors. Tunisia's current development program gives emphasis to the development of fisheries. The government's great interest in gaining marine technical know-how is evident from its expressed feeling that technology transfer should be a prerequisite for granting advanced nations research and fishing rights in a coastal state's economic zone.

Tunisia endorses a 12-mile* territorial sea, having extended its own jurisdiction to that distance in 1973. On the controversial straits issue, Tunisia has been subject to diverse influences over

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

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the past several years. Although in effect it stands with other developing countries that favor the principle of innocent passage, Tunisia is sympathetic to the U.S. position and can see the advantages of continued free access to the Mediterranean by the Sixth Fleet. In an effort to accommodate both sides, Tunisia proposed at Caracas that the conference establish objective rules and criteria defining the nature of international passage that would protect the security of straits states and the marine environment while facilitating world navigation. The protection of traditional navigation rights also figures in Tunisia's views on the concept of archipelago states, pollution control, and the exclusive economic zone.

Perhaps partly as a result of a long dispute with Italy over delimitation of the continental shelf -- finally settled in its favor in 1971 -- Tunisia is particularly interested in the regime of islands, especially the problem of allocating appropriate maritime spaces. While recognizing that insular and archipelago nations should have the same maritime rights as continental coastal states, Tunisia urged at the Caracas session the adoption of more precise definitions for islands, islets, reefs, etc., and called for the categorization of world islands according to all relevant factors such as size, location, population, geological structure, history, etc. Tunisia does not want the international sea area reduced in size as a result of excessive maritime space granted to islands, and is also opposed to using outlying small islands in fixing baselines for offshore boundaries between opposing and adjacent states.

At Caracas, Tunisia endorsed the concept of an exclusive economic zone of no more than 200 miles, in which the coastal state would have sovereign rights to exploit both renewable and non-renewable resources and also control marine pollution and scientific research. To ensure maximum rational exploitation of fisheries, Tunisia is prepared to enter into agreements with other countries to form joint fishing companies. Tunisia suggests that such cooperation could be extended on a regional basis by means of strengthening or reorganizing existing fishing organizations.

Tunisia charged at Caracas that the 1958 Geneva Convention on the Continental Shelf favored technologically advanced nations to the detriment of the interests of developing countries. In this vein, Tunisia urged nations claiming a shelf of over 200 miles to modify their stand and adopt a conciliatory attitude toward the proposed international Authority. Tunisia feels strongly that the Authority should have extensive powers, including that of direct exploitation, and should be structured to prevent domination by advanced nations. Moreover, in addition

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to distributing revenues to member states, the Authority should also provide for the transfer of technology to the developing countries. Tunisia has indicated support for U.S. proposals on compulsory dispute settlement provisions, but has not yet taken a formal stand.

Tunisia feels that the sovereignty of the coastal state should extend to the governing of scientific research in the economic zone, and that explicit state consent be a prerequisite. Conditions under which foreign research would be permitted would include scientific and technological cooperation with the coastal state. The control and prevention of pollution in the economic zone should also rest with the coastal state in Tunisia's opinion. Tunisia believes that international regulations to control pollution are insufficient by themselves, and must be coordinated with local and regional rules.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

Tunisia's location near the center of the Mediterranean Sea coastline historically has involved it in regional affairs, and it remains today a crossroads between Europe, Africa, and the Middle East. Intensive maritime activity is recorded off its northern and eastern coasts, which total some 710 statute miles. Tunisia shares an extensive area of continental shelf/margin with Libya, Malta, and Italy; the continental shelf off the eastern coast out to the 200-meter isobath is particularly wide. In view of its limited onshore mineral resources, Tunisia is especially interested in the development of potential maritime assets.

Uses of the Sea

Mineral Resources -- Tunisia, for the past several years, has been encouraging foreign oil companies -- French, Italian, and U.S. -- to step up petroleum exploration operations in both its onshore and offshore sites. The area under permit for exploration increased from 70,000 square statute miles in 1972 to over 74,000 square statute miles at the beginning of 1974, with just over half this total located in offshore areas. Some of the offshore licenses are for areas extending well beyond the 200-meter isobath in areas where juridical status has not yet been established. Although offshore production is just getting started, there were proved recoverable oil reserves of 15 million metric tons as of the end of 1973, with good prospects of higher yields as a result of continuing exploration. There are no known offshore gas deposits.

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Living Resources -- Despite Tunisia's long coastline, fishing is not an important economic activity. Fishing provides a livelihood for only about 2% of the nation's labor force. Production amounts to only about 1% of the GNP and fish exports account for only about 1% of the value of all exports.

However, at the 1974 Caracas session of the LOS Conference, a government spokesman stated that because of Tunisia's limited resources the country is now concentrating on fishing -- along with agriculture -- for national development. With assistance from several European countries, the United States, and the UN, the Tunisian Government is attempting to expand commercial fishing, and production has increased gradually in recent years. Tunisia's current development program gives emphasis to the development of fisheries, including the training of personnel and the establishment of necessary industrial, port, and transport facilities. Steps are being taken to modernize the fishing fleet to include some refrigerated oceangoing vessels. As of now, all Tunisian fishing is coastal and is carried out from some 4,000 small wooden craft, mostly nonmotorized. Principal fish products are sardine, bream, tuna, and mollusks. Surveys indicate that there are substantial unexploited fisheries off Tunisia's northern coast; eastern coast areas are more heavily fished and bottom fishing there is generally poorer although there is seasonably good pelagic fishing.

Deep Seabed Capabilities and Interests -- Having no technological competence of its own in this field, Tunisia is a staunch advocate of a strong international regime with extensive powers for the exploitation of deep seabed resources and the distribution of derived revenues, with particular regard for the needs of developing countries. Tunisia also looks to the international regime for the transfer to developing nations of significant technology related to the various fields of marine science and exploitation. Overall, the issue of the international Authority for the deep seabed is one of Tunisia's principal LOS interests.

Marine Transportation -- Tunisia has a modest government-owned merchant fleet but relies heavily on foreign shipping for most of its maritime export-import trade. As of 1974, the fleet consisted of 9 cargo ships and 1 tanker. Further expansion is planned. The fleet is operated by the government-controlled Tunisian Navigation Company, which is also responsible for the management of merchant marine matters, including the chartering of foreign-flag vessels. Although the government provides training facilities for both officer and crew personnel, the country is largely dependent on foreign seafaring personnel to man its merchant ships.

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Tunisia has four major ports -- Bizerte, Tunis, Safaqis (Sfax), and Susah -- and 14 minor ports. The ports are administered on the national level by the Ministry of Public Works, and are adequate to meet normal requirements.

Naval and Air Transportation Considerations -- Tunisia's navy, comprising some 2,000 men and about 20 small craft, essentially is a coast guard-type organization. Although ineffective as a combat force, it is capable to some extent of performing such missions as patrolling the coastline, enforcing customs regulations, and protecting territorial fishing rights. The navy is French oriented, and its ships are mainly of French origin. Tunisia's air force has been slow to develop because of the expense and complexity of equipment. It numbers less than 100 planes, including some F-86 jet fighters from the United States, and over 2,000 personnel. The air force is not capable of providing air defense and tactical air support to ground force operations, and remains essentially a training force. Tunisia also has a small scheduled air carrier -- Tunis Air -- with flights to some 14 cities in Europe and North Africa.

Political and Other Factors

Tunisia follows a moderate and nonaligned foreign policy, maintains good relationships with the West, and is well-disposed toward the United States. Tunisia has been a moderating influence among the developing countries as regards LOS issues, although it is mindful of the importance of maintaining solidarity with this group. Aside from its own pragmatic interests, Tunisia's thinking concerning LOS matters is shaped by its status as a Mediterranean nation, as an Arab state, and as a member of the Organization of African Unity. Tunisia's foreign policy currently places considerable emphasis on community of interest and coordination among the Mediterranean states, both African and European.

C. LAW OF THE SEA POLICY

Territorial Sea

Tunisia favors international agreement on a 12-mile territorial sea, having extended its own jurisdiction to that distance in August 1973. Prior to that, Tunisia (since 1963) had claimed a 6-mile limit with an additional 6-mile exclusive fishing zone. In November 1963 Tunisia issued a decree establishing the baselines from which its territorial sea is measured. A dispute remains with Libya over sea boundaries, Tunisia claiming a delimitation line that runs at a 45° angle from the land border, and Libya insisting on a somewhat larger

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offshore area. This disagreement, as in the case of a shelf delimitation dispute settled with Italy in 1971, assumes particular importance because of potential petroleum deposits in the areas involved.

Straits

Tunisia has been subject to diverse and contradictory influences on the straits issue over the past several years. As recently as 1972 Tunisia was unsympathetic to the U.S. position on straits. Its stand at that time stemmed primarily from political considerations involving the Arab consensus on Suez, and the concept among Mediterranean nations of making the Mediterranean a "Lake of Peace." Although in private Tunisia accepted the presence of the U.S. Sixth Fleet in the Mediterranean, it seemed politic to support the principle of "innocent passage" for Gibraltar and other international straits rather than "free transit." Even then, however, Tunisia sought to be helpful to the United States, exercising a moderating influence among the developing countries and urging the United States to develop alternate language for the phrase "free transit" so as to facilitate a compromise settlement.

Prior to the 1974 Caracas session Tunisian LOS expert Kedadi expressed the view to U.S. officials that the recent Nairobi meeting of LDCs had revealed a marked evolution of the position of at least some members of the Group of 77 on the straits transit issue. The proposal acceptable to several members (including Morocco, Egypt, and Yemen) drops the use of the "innocent passage" formula in favor of one that calls for the establishment of "objective criteria" on transit rights so as to provide maximum freedom of navigation on the one hand, while protecting essential interests of straits states on the other. Kedadi felt that it was promising that even those countries formerly most committed to "innocent passage" were now willing to consider new formulas. As for Tunisia's own position on straits, Kedadi said that his country was inclined to act in solidarity with other developing nations.

Kedadi's statements at Caracas were in the same vein. While expressing understanding of the importance of straits as international traffic routes, he sympathized with the desire of straits states for assurances that such passage would not be harmful to their security or well-being. Thus, he could see their point in supporting the principle of innocent passage. To resolve the straits problem, Kedadi proposed that the conference establish objective rules and criteria defining the nature of international passage. Such criteria should be designed to

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ensure the security of straits states and the protection of the marine environment while facilitating international navigation. Another Tunisian delegate at Caracas privately expressed the view that the positions of most countries on the straits issue were merely negotiating positions, i.e., they want to see how far the United States will go on the economic zone, and then they will concede free passage.

Regime of Islands

Tunisia feels that the LOS Conference should pay particular attention to the problem of islands. Its position is that existing LOS doctrine relating to islands, as stated in the 1958 Geneva Conventions, contains only vague and incomplete provisions giving rise to many disputes because of conflicting interpretations by interested parties. At Caracas, the Tunisian delegation also noted that the 1958 Conventions offer only a weak definition of an island and grant islands the same rights as continental landmasses. Although Tunisia feels that island states and archipelago states should have the same maritime rights as coastal states, it ridicules the notion that tiny, deserted islands should enjoy similar advantages. Tunisia contends that the existing situation is detrimental to the developing countries, which did not participate in the 1958 Geneva Conference and for the most part do not possess any islands. Moreover, Tunisia argues that the exaggerated claims of countries possessing islands now pose even more of a threat to the interests of landlocked and other geographically disadvantaged states because of the projected adoption of a 200-mile economic zone.

At Caracas, Tunisia noted that it had always supported the theory that maritime space claimed by islands should be established in accordance with objective criteria in order not to overly reduce the size of the international area. In this connection, Tunisia feels that it is essential to draw up a logical classification of various categories of world islands -- excepting insular and archipelago states -- to permit an equitable determination of the marine space to be allocated to a given island or group of islands. Such classification would take into account all relevant factors such as size, population, geographic location, geological structure, history, etc. Tunisia cosponsored a draft article along these lines at the July 1973 session of the Seabed Committee and at the June-August 1974 Caracas session of the LOS Conference (see Annex). Included in the Caracas draft article is the provision that in the event of the presence of nonadjacent islands, this shall not necessarily be the sole determinant in the delimitation of marine spaces between adjacent or opposite states. Tunisia has had firsthand experience in this

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sort of thing. A long dispute with Italy over the delimitation of the continental shelf was finally resolved in 1971 when Italy gave up its claim to an equidistant line based on the presence of some small Italian islands off Tunisia's northern coast. As part of the settlement, Tunisia did grant Italy jurisdictional zones of 12 and 13 miles around the islands in question, but stipulated that such zones not only constituted the limits of the territorial waters of the islands but the limits of their continental shelf rights as well.

Archipelagos

Tunisia endorsed the concept of the archipelagic state at Caracas in 1974 but noted that its support was subject to the adoption of an acceptable definition. In this connection, a Tunisian delegate noted that Tunisia favors the most simple definition of an archipelagic state as one made up of several islands whose baselines constitute the applicable baselines for the state. In any case, Tunisia favors limiting the application of this concept to archipelagic states and not to coastal states with island groups. A Tunisian spokesman also noted at Caracas that the concept of the archipelagic state was designed primarily to strengthen the geographic, economic, and political unity of a country, and that Tunisia supported such a legitimate objective. However, he warned that in promoting the concept of the archipelagic state, care must be taken to prevent the creation of any new implications that might affect the fundamental concepts of existing international law that had established a reasonable balance between the mutual rights and obligations of states.

Delimitation and Demarcation

At Caracas, Tunisia and Kenya sponsored a draft article on the delimitation of the continental shelf and of the economic zone (see Annex). The thrust of this article is that the median or equidistance line should not necessarily be the only method of delimitation between opposite or adjacent states, but that account should also be taken of geological and geomorphological criteria, as well as of all special circumstances. In this connection, Tunisia feels that the exploitability of depth criteria included in the 1958 Geneva Convention is unsatisfactory for delimitation purposes. Moreover, Tunisia opposes the use of outlying small islands in fixing baselines for off-shore boundaries, preferring the use of mainland coasts as basepoints. Tunisia stuck to this principle in winning a long dispute with Italy in 1971 over the delimitation of the coastal shelf between them; the equidistant line was finally drawn between the Tunisian and Sicilian coasts rather than halfway

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between Tunisia and several small Italian islands lying well off the coast of Sicily. In any such dispute over delimitation, Tunisia feels that bilateral agreement must be achieved -- not imposed from without -- and that unreconcilable differences should be settled in conformity with the UN Charter and any other relevant regional arrangements.

Historic Waters

From the beginning of the preparations for the LOS Conference Tunisia has indicated its concern with "historical waters." The Gulf of Tunis is regarded by Tunisia as internal waters. In addition, there is a possible similar claim to the Gulf of Gabes along Tunisia's eastern coast. Responding in 1972 to a U.S. inquiry that sought clarification of Tunisia's territorial sea claims, Tunisia noted that it "maintains its position on the maritime zone of the Gulf of Gabes, which it considers to be historical waters." Therefore, in any consideration of the breadth of the territorial sea Tunisia has urged that related matters be included, particularly the juridical status of historic waters.

Coastal State Jurisdiction Beyond the Territorial Sea

Tunisia's views on coastal state jurisdiction conform with the position taken by the Organization of African Unity. At the 1974 Caracas session of the LOS Conference, Tunisia reaffirmed its support for the concept of an economic zone of no more than 200 miles, in which the coastal state would have the exclusive right to exploit renewable and non-renewable resources. Tunisia feels that the sovereignty of the coastal state in such a zone should extend to the exploration and exploitation of the natural resources of the sea as well as of the seabed and subsoil, to the control and prevention of pollution, and to the regulation of scientific research. On the other hand, Tunisia stipulates that freedom of navigation, overflight, and the laying of pipelines and cables must be guaranteed in the economic zone. At Caracas, Tunisia associated itself with several other developing nations in sponsoring a draft article on the exclusive economic zone (see Annex).

The head of the Tunisian delegation at Caracas, Ambassador Kedadi, noted that under the terms of the 1958 Geneva Convention Tunisia could claim a continental shelf that could extend well beyond 200 miles in certain parts, since the shelf is wide and has a particularly gradual slope. Tunisia had not done so, he said, because it considers such claims to be unreasonable on both legal and moral grounds. Kedadi claimed that the provisions of the 1958

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Geneva Convention on the Continental Shelf favored a few technologically advanced countries to the detriment of the interests of the developing countries. He suggested that since the principle of the common heritage of mankind was now accepted, the situation should be changed to provide a more equitable balance and to establish more harmonious relations among states. Kedadi urged countries claiming a continental shelf of over 200 miles to modify their position and adopt a conciliatory attitude toward the proposed international Authority. He noted that it was important to ensure that the Authority have sufficient resources to enable it to accomplish its mission.

Fisheries

Tunisia supports the concept of exclusive sovereign rights of coastal states in relation to the management and exploitation of fish resources within offshore jurisdictional limits. It rejects the principle of de jure fishing rights for third countries in the projected economic zone. However, in order to ensure maximum rational exploitation, Tunisia expressed its readiness at Caracas to enter into agreements with other countries to form joint fishing companies. It was suggested by the Tunisian delegation that such cooperation could be extended on a regional basis by means of strengthening or reorganizing existing fishing organizations. In the case of advanced countries, the right to engage in fishing in the economic zone should be linked to the transfer of technology and technical assistance.

Along part of its coastline, Tunisia has already established a 50-meter isobath exclusive fisheries zone. It does, however, have agreements with Italy and Spain giving these countries certain fishing rights in Tunisian waters. The Tunisian delegation at the 1974 Caracas session of the LOS Conference noted that even though Tunisia has legislation in force to prevent irrational exploitation of its fishery resources, the country has experienced considerable difficulty in enforcing those laws on foreign fishing fleets. That is one of the reasons Tunisia attaches such importance to the concept of the exclusive economic zone.

At the same time, Tunisia is aware of the concerns of landlocked and geographically disadvantaged countries as regards exploitation of the living resources of the sea. A Tunisian spokesman at Caracas said that in the case of such African states, the Organization of African Unity should provide the institutional framework for developing regional, subregional, and bilateral agreements. The spokesman cautioned, however, that any hasty or insufficiently thought-out decision concerning

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facilities to be granted to landlocked or geographically disadvantaged countries could lead to confusion. For example, there is question whether a coastal state that had exhausted its resources through bad management would be regarded as geographically disadvantaged and whether a rich landlocked country should be entitled to share the fish resources of an adjacent coastal state that depends heavily on fishing, without any compensation to or control by that coastal state. Such matters have to be resolved.

Even though Tunisia participated actively in the debate on fisheries at Caracas, the delegation leader, Ambassador Kedadi, had expressed the opinion just prior to the conference that eventually the question of fisheries within the economic zone probably would be removed from the LOS and be covered by a separate fisheries resources convention.

Deep Seabed

At Caracas, Tunisia reaffirmed its support for the concept of the common heritage of mankind, and noted that this basic principle should govern the decisions of the LOS Conference on such questions as the extent of the international zone, the powers of the international Authority, and the means of sharing the benefits of the exploitation of deep seabed resources. Tunisia said that it would support any step taken to prevent a reduction in the size of the international area, without prejudice to the legitimate rights of coastal states. In this connection, Tunisia agrees to the concept of an economic zone of no more than 200 miles, and is particularly anxious that objective criteria be applied to the question of maritime space claimed on behalf of islands so as not to diminish the size of the international area.

Tunisia endorses a strong international Authority with extensive powers for the deep seabed area. In addition to having the right of direct exploitation of the seabed resources, these powers would include the distribution of benefits, conservation of biological resources, application of pollution prevention regulations, management of scientific research activities, maintenance of peace and order, and arbitration of disputes. The Authority should also provide financial and technical assistance to developing countries, and distribute revenues directly to member states in accordance with approved criteria. Training of personnel from developing countries should be aimed at enabling them to participate in all stages of management, exploration, exploitation, and the marketing of seabed resources. Tunisia feels that developing countries can only become effective in seabed exploitation by being associated with the advanced nations

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in this field. Tunisia supports the suggestion that such bodies as the International Oceanographic Commission, UNESCO, FAO, and the Inter-Governmental Maritime Consultative Organization should intensify their training programs in this field, and make greater provision for nationals from developing countries.

Tunisia holds that the designation of the resources of the deep seabed as being the common heritage of mankind means that the international Authority should not permit exploitation by individual interests, that all states have the right to participate, and that all nations are entitled to a share of the benefits -- with special attention given to the needs of the developing countries. It contends that exploitation based on licenses would benefit only individual interests to the detriment of the international community.

Tunisia's views on the structure of the proposed international Authority also reflect its suspicions of the motives of the advanced nations. Tunisia advocates an Authority composed of the following bodies: a general assembly -- which would make the most important decisions -- comprising a universal, equal membership; an executive council responsible to the assembly and faithfully reflecting that body's composition; an operational body exclusively responsible for the exploration and exploitation of seabed resources and other management functions; an administrative secretariat; and a body responsible for the settlement of disputes. The operational body must be flexible enough to allow for the development of technology and to progress from the phase of cooperation and indirect exploitation to that of direct and even exclusive exploitation.

Pollution

Tunisia is particularly interested in the preservation of the marine environment because of the intensive maritime trade and growing oil drilling activities in the Mediterranean. Tunisia has actively participated in recent regional and international conferences on environmental matters. The Tunisian delegation at the 1974 Caracas session described the problem of pollution in the Mediterranean as reaching "alarming proportions," and stated that Tunisia's fisheries and infant tourist industry needed protection. To attack the problem, Tunisia endorses stringent remedial measures, and argues that those responsible for pollution should bear the brunt of the cost -- an indication perhaps of support for a double standard approach to pollution control measures. Tunisia feels that international rules for pollution control are not sufficient; national and regional measures are also required and all such

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measures must be coordinated. But despite the seriousness of vessel-source pollution, Tunisia affirmed its support at Caracas for freedom of navigation so long as there is no threat to the ecology, fisheries, or sovereignty of the coastal state.

Tunisia takes the stand that the sovereignty of the coastal state extends to the control and prevention of pollution in the proposed economic zone. Coastal states should be authorized to apply the provisions of international conventions to ships in their harbors, whatever the area in which the violation was committed. This would require a redistribution of authority between coastal states and the various international and regional bodies dealing with the protection of the marine environment.

Research

Tunisia supported Pakistan's proposal at Caracas that would require researchers to receive explicit coastal state consent before conducting research in the state's economic zone. In August 1973 it had associated itself with several other nations in sponsoring a draft article to the Seabed Committee on this subject (see Annex). Tunisia also claimed at Caracas that the sovereignty of the coastal state extended to the making of regulations governing scientific research in the economic zone. Other countries could be authorized to carry out basic or applied scientific research under reasonable conditions, such as scientific and technological cooperation with the coastal state, including direct participation of the state's nationals in the research and coastal state receipt of research results. Tunisia's great interest in the matter of transfer of ocean technology from the advanced nations to developing countries led it to cosponsor a draft article on this subject at the 1974 Caracas session of the LOS Conference (see Annex).

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

Ultimate authority in the Republic of Tunisia lies with President Habib Bourguiba who undoubtedly is concerned with the broad political and economic implications of Tunisia's LOS policies. While Foreign Minister Chatti has responsibilities for overall policy decisions on the LOS, the key man in the government on LOS technical matters is Ambassador Moncef Kedadi of the Foreign Ministry. Tunisia relies heavily on his expertise in formulating its LOS policies, and Kedadi enjoys wide latitude in dealing with these matters. Kedadi has participated actively in all sessions of the Seabed Committee since 1971 and has served as a vice president of the Third LOS

Conference at the 1974 Caracas session, where he also served as leader of the Tunisian delegation. A responsible spokesman, Kedadi seems dedicated to the task of achieving a successful outcome to the LOS negotiations; in this regard he has proved to be a helpful, moderating influence among the developing countries.

Influential on LOS policy at the working level of the Tunisian Government is Mrs. Jaouida Tnani,* also of the Foreign Ministry. Mrs. Tnani has been the point of contact for the U.S. Embassy on LOS matters.

Tunisia attaches considerable importance to the LOS, and there appears to have been thorough preparation by an inter-ministerial group representing the various concerned interests in the government.

The following listing includes those Tunisian officials who attended the 1974 Caracas session of the Third UN LOS Conference, the organizational session of the Conference in New York in December 1973, and/or one or more of the preparatory sessions for the Conference:

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Name and Title	Seabed Committee Session						Third LOS Conf.	
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74
Hassen ABBAS Counsellor Permanent Mission to the UN	X							
Mahmoud ABDELHADI Public Works Engineer District Chief for the Management of Fishing Ministry of Agriculture						X		
Slaheddine ANNABI Secretary of the Embassy Permanent Mission to the UN		X						
Amor ARDHAOUI Assistant Permanent Representa- tive to the UN							X	
Abderrazak ATTIA Secretary of the Embassy Ministry of Foreign Affairs		X						
Hichem AYOUB		X						
M. BACHROUCH Secretary of the Embassy							X	
Hachen BEN ACHOUR Attache of the Embassy Permanent Mission to the UN						X		
*Habib BEN ALEYA Director of Fishing Development Ministry of Agriculture								X
Mohamed BEN KHEDER Director of Fishing Ministry of Agriculture								X

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Name and Title	Seabed Committee Session						Third LOS Conf.
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73 Jun- Aug 74
Slim CHELLI Cabinet Attache in the Ministry of National Economy		X					
Habib CHERIF Counsellar to the Ministry of National Economy						X	
Ahmed CHOUAYAKH Chief for the Regulation of Fishing in the Ministry of Agriculture						X	
Brahim DOUIK				X			
Rachid DRISS Ambassador Extraordinary and Plenipotentiary Permanent Representative to the UN							X
Mohamed Larbi FAYACHE Secretary of the Embassy Permanent Mission to the UN			X	X	X		X
A. HACHANI Secretary of the Embassy							X
Khelifa KAROUI Counsellar in the Ministry of National Economy						X	
*Moncef KEDADI Ambassador Ministry of Foreign Affairs President of the Delegation to Caracas	X	X	X	X	X	X	X
Farouk LADJIMI Secretary of Foreign Affairs							X

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Name and Title	Seabed Committee Session						Third LOS Conf.
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73 Jun- Aug 74
Mahmoud LADJIMI		X					
Mohamed Salah LEJRI Secretary of the Embassy Permanent Mission to the UN				X			
Mohamed Mouldi MARSIT Chief of Service First Ministry						X	X
Amor ROUROU Counsellor of the Ministry of National Economy						X	
Abdelaziz SAHBANI Lieutenant Commander Ministry of National Defense						X	X

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TUNISIA

Part II - Background Information

Geography

World region: Africa
Category: coastal
Bordering bodies of water: Mediterranean Sea, Khalij al Hammamat
(Gulf of Hammamat), Gulf of Tunis, Gulf of Gabes
Bordering semiencllosed sea: Mediterranean Sea
Area of continental shelf: 14,800 sq. mi. shared with Libya, Malta,
Italy
Area to 200 mi. limit: 25,000 sq. mi. shared with Libya, Malta,
Italy
Area to edge of continental margin: 25,000 sq. mi.
Coastline: 710 statute mi.
Land: 63,400 sq. statute mi.
Population: 5,711,000

Industry and Trade

GNP: \$2.2 billion (1973 est.); \$400 per capita
Major industries: tourism, mining, food processing, textiles and
leather, light manufacturing, construction materials, chemical
fertilizers, petroleum
Exports: \$326 million (f.o.b., 1973); 28% petroleum, 14% phosphates,
28% olive oil, 30% other
Imports: \$608 million (c.i.f., 1973); 36% raw materials, 23%
machinery and equipment, 14% consumer goods, 19% food and
beverages, 3% energy, 5% other
Major trade partners: exports -- France 19%, Italy 19%, West
Germany 13%, Libya 10%; imports -- France 36%, U.S. 15%, Italy
9%, West Germany 7% (1971)
Merchant marine: 12 ships (1,000 GRT or over) totaling 37,000 GRT;
includes 9 cargo, 1 tanker, 2 specialized carrier

Marine Fisheries

Catch: 28,100 metric tons (1972)
Economic importance: insignificant, but constituting a small
supplement to the Tunisian economy; government is emphasizing
expansion of fishing industry
Ranking: eighth largest in Africa
Nature: coastal, no distant-water capability
Species: bream, sardine, tuna, crustaceans
Marine fisheries techniques: predominantly artisanal activities,
but some modernization as a result of foreign aid

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Petroleum Resources

Petroleum resources: production -- 31.6 million 42 gal. bbl.
(4.1 million metric tons) onshore; proved recoverable reserves --
1,000 million 42 gal. bbl. (130 million metric tons); information
on onshore reserves not available, offshore reserves established
but production not started (1972)
Natural gas: production -- 60 billion cubic feet of which 54.7
billion cubic feet (est.) flared (1.7 billion cubic meters)
onshore; proved recoverable reserves -- 1,505 billion cubic
feet (43 billion cubic meters) onshore (1972)

Navy

Ships: 1 radar picket destroyer escort, 1 patrol escort, 1 large
submarine chaser, 2 guided missile motor gunboats, 4 motor
gunboats, 6 patrol boats, 1 coastal minesweeper, 1 auxiliary

Government Leaders

President: Habib Bourguiba
Prime Minister: Hedi Nour
Foreign Minister: Habib Chatti

Multilateral Conventions

International Convention for the Safety of Life at Sea (Solas),
May 20, 1963. 1966 Amendments to the Convention, November 23,
1971. 1967 Amendments to the Convention, November 23, 1971.
Convention on Facilitation of International Maritime Traffic,
January 27, 1969.
International Convention on Load Lines, August 23, 1966.
Agreement for the Establishment of a General Fisheries Council
for the Mediterranean, June 22, 1954.
Nuclear Test Ban Treaty, May 26, 1965.
Seabed Arms Limitation Treaty, October 29, 1971.
IMCO Convention, May 23, 1963.

Bilateral Conventions

Italy-Tunisia. Fisheries Agreement. Signed August 20, 1971.
Libya-Tunisia. Fisheries Agreement. Signed September 8, 1971.
Italy-Tunisia. Agreement on the Boundaries of the Continental
Shelf. Signed August 20, 1971.

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Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1951	3 mi.	Beylical Decree July 26, 1951 in <u>Tunisian Official Journal</u> July 31, 1951 <i>From Ras Kapoudia to the Libyan frontier, follows 50-meter isobath</i>
	1962	6 mi.	Law 62-35, <u>Tunisian Official Journal</u> 53, Oct. 12-16, 1962
	1963	6 mi.	Law 63-49, <u>Tunisian Official Journal</u> No. 60, Dec. 31, 1963 <i>Above eliminated from territorial sea</i>
	1973	12 mi.	Law 73-49, Aug. 2, 1973
Continental Shelf			<i>Italo-Tunisian Continental Shelf Boundary Agreement of Aug. 20, 1971</i>
Exclusive Fishing	1951		Beylical Decree July 26, 1951 in <u>Tunisian Official Journal</u> <i>50 meters of water depth (maximum-65 mi.)</i>
	1962	12 mi.	Law 62-35, <u>Tunisian Official Journal</u> 53, Oct. 12-16, 1962 <i>The Tunisia/Italy Agreement concerning fishing by Italian vessels in Tunisian waters of Feb. 1, 1963. (terminated Dec. 31, 1970), extended Aug. 20, 1971 according to Agreement of Feb. 1971.</i>
			<i>Libya/Tunisia Fishing Agreement of September 8, 1971</i>

* Principle Source: Limits of the Seas, National Claims to Maritime Jurisdictions, 2d Revision, State Dept./INR, April 1974

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Action on Significant UN Resolutions

Moratorium Resolution

(A/RES/2574 D, XXIV, 12/15/69)

Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.

In favor

LOS Conference

(A/RES/2750 C, XXV, 12/17/70)

Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.

In favor

LOS Conference, Timing and Site
(A/RES/3029 A, XXVII, 12/18/72)

Adopted w/o vote

Indian Ocean as a Zone of Peace
(A/RES/2992, XXVII, 12/15/72)

Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.

In favor

Landlocked/Shelf-Locked Study Resolution
(A/RES/3029 B, XXVII, 12/18/72)

Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.

Abstain

Peruvian Coastal State Study Resolution
(A/RES/3029 C, XXVII, 12/18/72)

Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.

In favor

Permanent Sovereignty over Natural Resources
(A/RES/3016 XXVII, 12/18/72)

Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

In favor

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Membership in Organizations Related to LOS Interests

Arab League
 EC (association until 1974)
 FAO Food and Agriculture Organization
 IAEA International Atomic Energy Agency
 IBRD International Bank for Reconstruction
 and Development
 ICAO International Civil Aviation Organization
 IDA International Development Association
 (IBRD Affiliate)
 IFC International Finance Corporation (IBRD
 Affiliate)
 ILO International Labor Organization
 IMCO Inter-Governmental Maritime Consultative
 Organization
 IMF International Monetary Fund
 ITU International Telecommunications Union
 OAU Organization of African Unity
 Seabed Committee United Nations Committee on the Peaceful
 Uses of the Seabed and Ocean Floor
 beyond the Limits of National Jurisdic-
 tion
 UN United Nations
 UNESCO United Nations Educational, Scientific,
 and Cultural Organization
 UPU Universal Postal Union
 WHO World Health Organization
 WMO World Meteorological Organization

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ANNEX 5

UNITED NATIONS

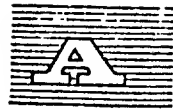
GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.138/SC.III/L.55
17 August 1973

Original: ENGLISH



COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE III

Algeria, Brazil, China, Ethiopia, Egypt, Iran,
Kenya, Pakistan, Peru, Philippines, Romania,
Somalia, Trinidad and Tobago, Tunisia, Yugoslavia:

Draft article on consent to conduct marine
scientific research

Whenever, according to this Convention, the consent of a coastal State is requested for undertaking marine scientific research in the areas under its sovereignty and national jurisdiction the explicit consent of that State shall be obtained before such activity is undertaken.

GE.73-51347



UNITED NATIONS



THIRD CONFERENCE
ON THE LAW OF THE SEA

SECOND COMMITTEE



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A/CONF.62/C.2/L.62/Rev.1
27 August 1974
ENGLISH
ORIGINAL: FRENCH

Algeria, Dahomey, Guinea, Ivory Coast, Liberia, Madagascar, Mali,
Mauritania, Morocco, Sierra Leone, Sudan, Tunisia, Upper Volta
and Zambia: draft articles on item 19. Régime of islands

Article I

1. An island is a vast naturally formed area of land, surrounded by water, which is above water at high tide.
2. An islet is a smaller naturally formed area of land, surrounded by water, which is above water at high tide.
3. A rock is a naturally formed rocky elevation of ground, surrounded by water, which is above water at high tide.
4. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide.
5. An island, islet, rock or a low-tide elevation are considered as adjacent when they are situated in proximity of the coasts of the State to which they belong.
6. An island, islet, rock or a low-tide elevation are considered as non-adjacent when they are not situated in the proximity of the coasts of that State to which they belong.

Article II

1. The baselines applicable to adjacent islands, islets, rocks and low-tide elevations in accordance with article I, are considered as the baselines applicable to the State to which they belong and consequently are used in the measurement of the marine spaces of that State.
2. The marine spaces of islands considered non-adjacent, in accordance with paragraphs 1 and 6, shall be delimited on the basis of relevant factors taking into account equitable criteria.

C-1943

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English

Page 2

3. These equitable criteria should notably relate to:

- the size of these naturally formed areas of land;
- their geographical configuration and their geological and geomorphological structure;
- the needs and interests of the population living thereon;
- the living conditions which prevent a permanent settlement of population;
- whether these islands are situated within, or in the proximity of, the marine space of another State;
- whether, due to their situation far from the coast, they may influence the equity of the delimitation.

4. A State cannot claim jurisdiction over the marine space by virtue of the sovereignty or control which it exercises over an islet, rock or low-tide elevation as defined in paragraphs 2, 3, 4 and 6 of article I.

5. In accordance with paragraph 4 of this article, safety zones of reasonable breadth may nevertheless be established around such islets, rocks or low-tide elevations.

Article III

1. In accordance with the provisions of article I, paragraph 6, and article II, paragraphs 2 and 3, the delimitation of the marine spaces between adjacent and/or opposite States must be done, in the case of presence of islands, by agreement between them according to principles of equity, the median or equidistance line not being the only method of delimitation.

2. For this purpose, special account should be taken of geological and geomorphological criteria, as well as of all other special circumstances.

Article IV

1. The provisions of articles I and II shall not apply either to insular or to archipelagic States.

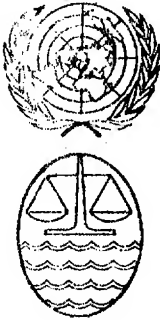
2. A coastal State cannot claim rights based on the concept of archipelago or archipelagic waters by reason of its exercise of sovereignty or control over a group of islands situated off its coasts.

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Article V

Concerning islands under colonial domination, racist régime or foreign occupation, the rights to the maritime spaces and to the resources thereof belong to the inhabitants of those islands and must profit only their own development.

No colonial or foreign or racist Power which administers or occupies those islands shall exercise those rights, profit from them or in any way infringe upon them.



UNITED NATIONS

THIRD CONFERENCE ON THE LAW OF THE SEA



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30 July 1974
ENGLISH
ORIGINAL: FRENCH

SECOND COMMITTEE

KENYA AND TUNISIA: DRAFT ARTICLE ON THE DELIMITATION OF THE CONTINENTAL
SHELF OR THE EXCLUSIVE ECONOMIC ZONE

Item 5.3: Question of the delimitation between States; various
aspects involved

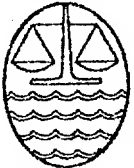
Item 6.7.2: Delineation between adjacent and opposite States

1. The delimitation of the continental shelf or the exclusive economic zone between adjacent and/or opposite States must be done by agreement between them, in accordance with an equitable dividing line, the median or equidistance line not being necessarily the only method of delimitation.
2. For this purpose, special account should be taken of geological and geomorphological criteria, as well as of all the special circumstances, including the existence of islands or islets in the area to be delimited.

C-0721



UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**



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A/CONF.62/C.2/L.82
26 August 1974

ORIGINAL: ENGLISH

SECOND COMMITTEE

Ghana, Ivory Coast, Kenya, Lesotho, Liberia, Libyan Arab Republic,
Madagascar, Mali, Mauritania, Morocco, Senegal, Sierra Leone, Sudan,
Swaziland, Tunisia, United Republic of Cameroon and United Republic
of Tanzania: draft articles on the exclusive economic zone

Article I

A coastal State has the right to establish beyond its territorial sea an Exclusive Economic Zone which shall not exceed 200 nautical miles from the applicable baselines for measuring the territorial sea.

Article II

(1) In the Exclusive Economic Zone a coastal State shall have sovereignty over the living and non-living resources. It shall have sovereign rights for the purpose of regulation, control, exploration, exploitation, protection and preservation of all living and non-living resources therein.

(2) The resources referred to in (1) of this article, shall encompass the living and non-living resources of the water column, the sea-bed and the subsoil.

(3) Subject to article VI, no other State has the right to explore and exploit the resources therein without the consent or agreement of the coastal State.

Article III

A coastal State shall also have exclusive jurisdiction within the Exclusive Economic Zone, inter alia, for the purposes of:

- (a) Control, regulation and preservation of the marine environment including pollution control and abatement;
- (b) Control, authorization and regulation of scientific research;
- (c) Control and regulation of customs and fiscal matters related to economic activities in the zone.

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English

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Article IV

A coastal State shall have the exclusive right to make and enforce regulations relating to, inter alia, the following:

- (a) The authorization and regulation of drilling for all purposes,
- (b) The construction, emplacement, operation and use of artificial islands and other installations;
- (c) Establishment and regulation of safety zones around such off-shore islands and installations;
- (d) The licensing of fishing vessels and gear;
- (e) Closed fishing seasons
- (f) Types, sizes and amount of gear; and numbers, sizes and types of fishing vessels;
- (g) Quota and sizes of fish that may be caught;
- (h) The conduct of research, disposition of samples and reporting of associated scientific data.

Article V

(1) In the Exclusive Economic Zone all States shall enjoy the freedom of navigation, overflight and laying of submarine cables and pipelines.

(2) In the exercise of freedoms referred to in paragraph 1 of this article, States shall ensure that their activities in the Exclusive Economic Zone are carried out in such a manner as not to interfere with the rights and interests of the coastal State.

Article VI

(1) Developing land-locked and other geographically disadvantaged States have the right to exploit the living resources of the Exclusive Economic Zones of neighbouring States and shall bear the corresponding obligations.

(2) Nationals of land-locked and other geographically disadvantaged States shall enjoy the same rights and bear the same obligations as nationals of coastal States in the exploitation of the living resources of the Exclusive Economic Zone.

(3) Bilateral, subregional or regional arrangements shall be worked out for the purposes of ensuring the enjoyment of the rights and the carrying out of the obligations referred to in paragraphs 1 and 2 of this article in full respect of the sovereignty of the States concerned.

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Article VII

States in a region may establish regional or subregional arrangements for the purposes of developing and managing the living resources, promoting scientific research, preventing and controlling pollution, and for the purpose of peaceful settlement of disputes.

Article VIII

(1) The delimitation of the Exclusive Economic Zone between adjacent or opposite States shall be done by agreements between them on the basis of principles of equity, the median line not being the only method of delimitation.

(2) For this purpose, special account shall be taken of geological and geomorphological factors as well as other special circumstances which prevail.

Article IX

Each State shall ensure that any exploration or exploitation activities within its Exclusive Economic Zone is carried out exclusively for peaceful purposes and in such a manner as not to interfere with the legitimate interest of other States in the region or those of the international community.

Article X

No State shall be entitled to construct, maintain, deploy or operate, in the Exclusive Economic Zone of another State, any military installation or device or any other installation or device for whatever purposes without the consent of the coastal State.

Article XI

In respect of a territory whose people have not achieved full independence or some other self-governing status recognized by the United Nations, the rights to the resources of its Exclusive Economic Zone belong to the people of that territory. These rights shall be exercised by such people for their benefits and in accordance with their needs and requirements. Such rights may not be assumed, exercised or benefited from or in any way be infringed upon by a foreign Power administering or occupying or purporting to administer or to occupy such territory.



UNITED NATIONS



THIRD CONFERENCE
ON THE LAW OF THE SEA

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LIMITED

A/CONF.62/C.3/L.12
22 August 1974

ORIGINAL: ENGLISH

THIRD COMMITTEE

Brazil, Ecuador, Egypt, Iran, Mexico, Morocco, Nigeria, Oman, Pakistan, Peru, Senegal, Somalia, Sri Lanka, Trinidad and Tobago, Tunisia, Uruguay, Venezuela and Yugoslavia: draft articles on the development and transfer of technology

Article 1

1. All States shall actively promote the development of the scientific and technological capacity of developing States with regard to the exploration, exploitation, conservation and management of marine resources, the preservation of the marine environment and the legitimate uses of ocean space, with a view to accelerating their social and economic development.
2. To this end, States shall, inter alia, either directly or through appropriate international organizations:
 - (a) promote the acquisition, development and dissemination of marine scientific and technological knowledge;
 - (b) facilitate the transfer of technology, including know-how and patented and non-patented technology;
 - (c) promote the development of human resources and the training of personnel;
 - (d) facilitate access to scientific and technological information and data;
 - (e) promote international co-operation at all levels, particularly at the regional, subregional and bilateral levels.
3. In order to achieve the above-mentioned objectives and taking into account the interests, special needs and conditions of developing States, States shall inter alia:
 - (a) establish programmes of technical assistance for the effective transfer of all kinds of marine technology to developing States;
 - (b) conclude agreements, contracts and other similar arrangements, under equitable and reasonable conditions;
 - (c) hold conferences, meetings and seminars on appropriate scientific and technological subjects.

C-1628

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English

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- (d) promote the exchange of scientists, technologists and other experts;
- (e) undertake projects, including joint-ventures, mixed enterprises and other forms of bilateral and multilateral co-operation.

Article 2

1. All States are under a duty to co-operate actively with the "Authority" to encourage and facilitate the transfer of skills in marine scientific activities and related technology to developing States and their nationals.

Article 3

The "Authority" shall, within its competence, ensure:

(1) that adequate provisions are made in its legal arrangements with juridical and natural persons engaged in marine scientific activities, the exploration of the international Area, the exploitation of its resources and related activities to take on under training as members of the managerial, scientific and technical staff constituted for these purposes, nationals of developing States whether coastal, land-locked or otherwise geographically disadvantaged, on an equitable geographical distribution.

(2) that all blueprints and patents of the equipment, machinery, devices and processes used in the exploration of the international Area, the exploitation of its resources and related activities be made available to all developing States upon request.

(3) that adequate provisions are made by it to facilitate the acquisition by any developing State, or its nationals, of the necessary skills and know-how including professional training in any undertaking by the Authority for exploration of the international Area, exploitation of its resources and related activities.

(4) that a Special Fund is established to assist developing States in the acquisition of necessary equipment, processes, plant and other technical know-how required for the exploration and exploitation of their marine resources.

Article 4

1. States shall promote the establishment in developing States of regional marine scientific and technological research centres, in co-ordination with the Authority, international organizations and national marine scientific and technological institutions.

2. The functions of such Regional Scientific and Technological Research Centres shall include, inter alia:

(a) training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, geology, sea-bed mining and desalination technologies;

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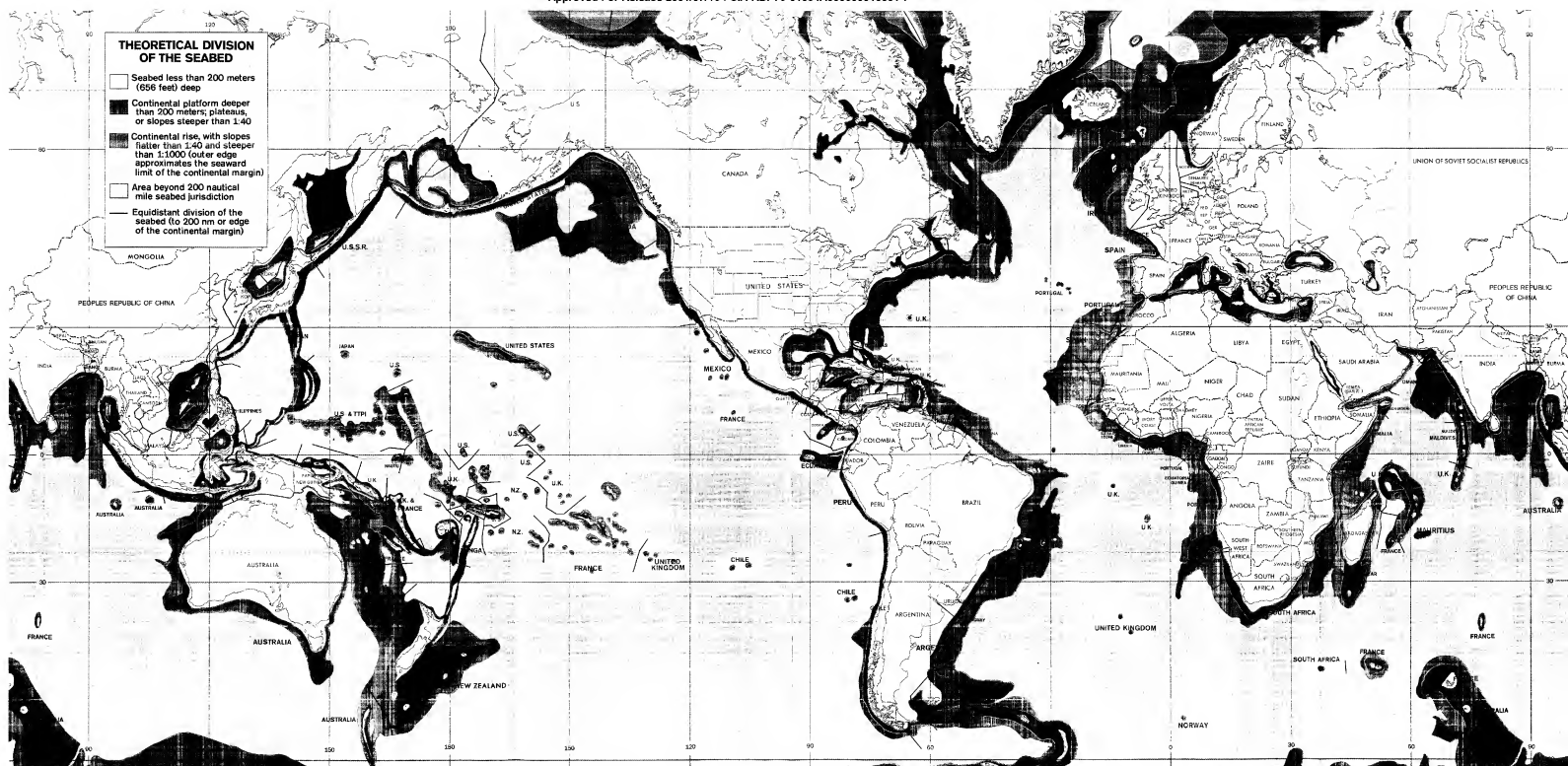
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English
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- (b) management studies;
- (c) study programmes related to the preservation of the marine environment and the control of pollution;
- (d) organization of regional seminars, conferences and symposia;
- (e) acquisition and processing of marine scientific and technological data and information, in order to serve as regional data centres;
- (f) prompt dissemination of results of marine scientific and technological research in readily available publications;
- (g) serving as a repository of marine technologies for the States of the region covering both patented and non-patented technologies and know-how; and
- (h) technical assistance to the countries of the region.

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Secret

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